

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEWART A. RITCHEY,	:	CIVIL NO. 1:CV-02-1858
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JO ANNE BARNHART,	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 18th day of October, 2006, upon consideration of plaintiff's motion (Doc. 26) for attorney's fees pursuant to the Social Security Act, 42 U.S.C. § 406(b), and it appearing the order of court dated December 15, 2003 (Doc. 25) awarded attorney's fees of \$4,374.14 to counsel for plaintiff under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), see Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002) ("Fee awards may be made under both [§ 406(b) and the EAJA], but the claimant's attorney must 'refun[d] to the claimant the amount of the smaller fee.'"); see also Rosser v. Chater, No. 94-5620, 1999 WL 144106, at *1 (E.D. Pa. Mar. 15, 1999) (same), and the court finding that the requested attorney's fees under 42 U.S.C. § 406(b) are reasonable, it is hereby ORDERED that:

1. The motion for attorney's fees (Doc. 26) is GRANTED.

2. Counsel for plaintiff, Steven M. Rollins, Esquire, is AWARDED an attorney's fee in the amount of \$12,499.10,¹ to be payable from plaintiff's past-due benefits award. See 42 U.S.C. § 406(b).
3. Counsel for plaintiff, Steven M. Rollins, Esquire, shall remit to plaintiff the \$4,374.14 Equal Access to Justice Act award granted by the order of court dated December 15, 2003 (Doc. 25). See Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ This amount represents twenty-five percent (25%) of plaintiff's past-due benefits, less the \$5,145.00 amount already received by counsel for plaintiff under 42 U.S.C. § 406(b).